

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

Sarah Perez, et al.,

NO. C 06-01962 JW

Plaintiffs,

**ORDER DENYING STIPULATION;  
SCHEDULING ORDER**

v.

State Farm Mutual Auto. Ins. Co., et al.,

Defendants.

Presently before the Court is the parties' Stipulation and Proposed Order to Continue the Case Management Conference, currently scheduled for September 20, 2010. (Docket Item No. 155.)

In light of the Ninth Circuit's order denying the petition for a re-hearing *en banc*,<sup>1</sup> the Court DENIES the parties' Stipulation. However, since the parties represent that the pleadings are not settled, the Court finds that the Conference is premature at this time. Accordingly, the Case Management Conference is VACATED and the parties are ordered to comply with the following schedule:

- (1) The Court sets **November 15, 2010 at 9 a.m.** as a hearing date for Plaintiffs' anticipated Motion for Leave to file an Amended Complaint. Plaintiffs shall notice and file their Motion in accordance with the Civil Local Rules of the Court.
- (2) The Court sets a Case Management Conference on **November 15, 2010 at 10 a.m.**, following the hearing on the Motion. On or before **November 5, 2010**, the parties

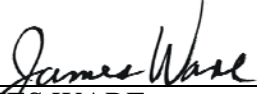
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<sup>1</sup> (See Perez, et al. v. State Farm Mutual Auto. Ins. Co., et al., CV 09-16745, Docket Item No. 44.)

1 shall file a Joint Case Management Statement. The Statement shall include, among  
2 other things, the parties' proposed schedules on how the case should proceed.

3 None of the dates set in this Order may be changed without an order of the Court made after  
4 a motion is filed pursuant to the Civil Local Rules of Court.

5  
6 Dated: September 15, 2010

  
\_\_\_\_\_  
JAMES WARE  
United States District Judge

**THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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**Dated: September 15, 2010**

**Richard W. Wieking, Clerk**

By: /s/ JW Chambers  
**Elizabeth Garcia**  
**Courtroom Deputy**